

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO COAL ASSOCIATION, et al.,	:	Case No.: 2:15-cv-448
	:	
and	:	Related Case No.: 2:14-cv-2646
	:	
MURRAY ENERGY CORPORATION, et al.,	:	JUDGE JAMES L. GRAHAM
	:	
	:	MAGISTRATE JUDGE ELIZABETH P. DEAVERS
Plaintiffs,	:	
v.	:	
	:	
R. ALEXANDER ACOSTA, SECRETARY OF LABOR, and THE MINE SAFETY AND HEALTH ADMINISTRATION,	:	JOINT STATUS REPORT WITH PROPOSED BRIEFING SCHEDULE
	:	
Defendants.	:	

1. On December 20, 2018, this Court endorsed the parties' proposed briefing schedule, which was to begin with Defendants filing the supplemental administrative record on January 3, 2019.

2. On December 26, 2018, Defendants moved for a stay of the January 3, 2019 deadline due to the lapse in appropriations to the Department of Justice that began on December 22, 2018. This Court granted Defendants' motion to stay on December 27, 2018.

3. On January 25, 2019, appropriations for the Department of Justice were restored through February 15, 2019, and Defendants notified the Court of such on January 28, 2019.

4. The parties have conferred regarding a new briefing schedule for cross-motions for summary judgment (based on the administrative record) that closely mirrors the previous briefing

schedule while taking into account the 35-day lapse in appropriations, and therefore propose the following schedule:

- Defendant shall supplement the administrative record per the Court's February 27, 2017 Order (ECF No. 47 in 15-cv-448 and ECF No. 73 in 14-cv-2646) by February 4, 2019;
- The parties shall file their cross-motions for summary judgment by April 5, 2019;
- The parties shall file their responses to the cross-motions for summary judgment by June 7, 2019;
- No further briefs on the cross-motions for summary judgment shall be filed without leave of this Court; and
- Any party may move for further amendment of the above-described deadlines for good cause shown.

Dated: January 31, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed on January 31, 2019 via the Court's ECF filing system, which automatically serves notice on all counsel of record in this action.

s/ Kari E. D'Ottavio
Kari E. D'Ottavio